

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Daniel De Sousa et al.
Serial No. : 10/691,795
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Confirmation No: 7154
Examiner : El Chanti, Hussein A.

Docket No. : 01-694-2
Customer No. : 34704

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

APPEAL BRIEF

Sir:

This brief is submitted in support of the Notice of Appeal filed on October 23, 2003.

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(i) Real party in interest - The real party in interest is the assignee of record, Intevap, S.A.

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(ii) Related appeals and interferences - There are no known related appeals or interferences.

(iii) - Status of claims - The application contains claims 1-2, 4-8 and 10-14. Claims 3 and 9 have been cancelled during prosecution. Claims 1-2, 4-8 and 10-14 are all rejected and on appeal.

(iv) - Status of amendments - There were no amendments filed after the final rejection from which appeal is taken. Thus, the claims on appeal are those pending prior to the final rejection, and these claims are also set forth in the claims appendix which follows.

(v) - Summary of claimed subject matter - The applications contains independent claims 1 and 7 on appeal, and these claims are discussed below. References numerals are to the sole figure in the application, and specification references are given to the page and line numbers of the text as filed.

Claim 1 calls for a system 10 for communicating remote sources and users of real time data (specification page 3, lines 19-28), comprising:

an installation-local unit 12 (Specification page 4, lines 19-21) comprising at least one receiver communicated with an installation for receiving real time data from said installation (See specification page 2, lines 10-12)and, a formatting unit for formatting said real time data into a suitable communication protocol so as to provide universal data (See also specification page 2, lines 10-12);

an additional unit 12 spaced from said installation-local unit and communicated with said installation-local unit for receiving said universal data, and further comprising an additional formatting unit for translating said universal data into a different application protocol so as to provide user-application compatible data (See specification page 2, lines 13-16); and

a user-application 14 of said real time data adapted to receive said user-application compatible data (See specification page 2, lines 17-18), wherein said installation local unit comprises a plurality of installation local units at least two of which generate said real time data in different formats, and wherein said additional unit comprises at least two additional units having user-applications of said real time data which require said real time data in at least two different formats (Specification page 4, lines 19-33).

Method claim 7 calls for a method for communicating remote sources and users of real time data (See specification page 3, lines 1-2), comprising the steps of:

providing an installation-local unit 12 (Specification page 4, lines 19-21) comprising at least one receiver communicated with an installation for receiving real time data from said installation (See specification page 2, lines 10-12) and, a formatting unit for formatting said real time data into a suitable communication protocol so as to provide universal data (See also specification page 2, lines 10-12);

providing an additional unit 12 spaced from said installation-local unit and communicated with said installation-local unit for receiving said universal data, and further comprising an additional formatting unit for translating said universal data into a different application protocol so as to provide user-application compatible data (See specification page 2, lines 13-16);

transmitting said universal data from said installation-local unit to said additional unit (Specification page 3, line 10);

translating said universal data into said user-application compatible data at said additional unit (Specification page 3, lines 11-12); and

providing said user-application compatible data to a user-application (See specification page 3, line 13), wherein said installation local unit comprises a plurality of installation local units at least two of which generate said real time data in different formats, and wherein said additional unit comprises at least two additional units having user-applications of said real time data which require said real time data in at least two different formats (Specification page 4, lines 19-33).

(vi) - Grounds of rejection to be reviewed on appeal -

Ground 1 - Whether claims 1, 4-5, 7 and 10-11 are anticipated by US 6,453,356 to Sheard (hereafter "Sheard").

Ground 2 - Whether claims 2, 6, 8 and 12 are obvious over a Sheard in view of US 7,206,592 to Gollnick (hereafter "Gollnick").

Ground 3 - Whether claims 13 and 14 are obvious over Sheard in view of US 6,937,159 to Hill et al (hereafter "Hill").

(vii) ARGUMENT

Ground 1

This ground of rejection deals with a rejection of independent claims 1 and 7 as anticipated by Sheard.

In order to make a proper rejection under 35 USC 102, the Examiner must establish that Sheard discloses each and every limitation of the claims in question.

Claims 1 and 7 each call for a plurality of installation-local units and a plurality of additional units. The plurality of installation-local units includes a corresponding plurality of installations communicating in different formats, and the installation-local units each contain a formatter for formatting the real time data received from the installations into universal data.

The plurality of additional units are all configured for receiving this same universal data, and then for converting the data to the appropriate format for a user-application, with a plurality of user-applications being called for which use the information in different protocols.

The Examiner has suggested that Figure 1 of Sheard anticipates this claim, and discusses the adaptors and applications shown in Figure 1. What is not shown in Figure 1 is a plurality of additional units designed to receive the universal data and then transform this data into proper protocol for different user-applications. Figure 1 shows a single data exchange engine which receives information in various different formats from adaptors 34a-b.

In addressing the portion of the claim directed to the additional units, the Examiner has continued to refer to the same systems 2, 3, etc. that he also considered to be the installations. It is submitted that claim 1 calls at least for the situation where the user-application is different from an installation. In addition,

even if this is the case, universal data does not transfer directly between any of applications 1-4 as shown in Figure 1 in a universal format. Rather, this information is stored from each application at data exchange engine 32. Avoidance of this data exchange engine 32 is precisely the goal of the present invention, and it is again submitted that Sheard fails to disclose or suggest the invention as claimed.

Based upon the foregoing, the rejection of Ground 1 is in error and should be reversed.

Ground 2

The rejection for these claims hinges upon the argument in connection with ground 1.

Ground 3

The rejection for these claims also hinges around the argument in connection with ground 1.

This paper is accompanied by authorization to charge the fee for filing an appeal brief and an extension of time to a deposit account. It is believed that no other fee is due. If any such fee is due, please charge same to Deposit Account Number 02-0184.

Respectfully submitted,

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(viii) - Claims Appendix

Claim 1 (previously presented): A system for communicating remote sources and users of real time data, comprising:

an installation-local unit comprising at least one receiver communicated with an installation for receiving real time data from said installation and, a formatting unit for formatting said real time data into a suitable communication protocol so as to provide universal data;

an additional unit spaced from said installation-local unit and communicated with said installation-local unit for receiving said universal data, and further comprising an additional formatting unit for translating said universal data into a different application protocol so as to provide user-application compatible data; and

a user-application of said real time data adapted to receive said user-application compatible data, wherein said installation local unit comprises a plurality of installation local units at least two of which generate said real time data in different formats, and wherein said additional unit comprises at least two additional units having user-applications of said real time data which require said real time data in at least two different formats.

Claim 2 (original): The system of claim 1, wherein said installation-local unit and said additional unit are communicated by spread spectrum high speed radio link.

Claim 3 (cancelled)

Claim 4 (previously presented): The system of claim 1, wherein

said installation-local unit further comprises a user of additional data from said additional unit, and wherein said additional formatting unit translates said additional data into said compatible communication protocol, and said formatting unit translates said suitable communication protocol suitable format for said user of additional data.

Claim 5 (original): The system of claim 1, wherein said real time data is in a different format from said user-application compatible data.

Claim 6 (original): The system of claim 1, wherein said additional unit is wireless communicated with said installation-local unit.

Claim 7 (previously presented): A method for communicating remote sources and users of real time data, comprising the steps of:

- providing an installation-local unit comprising at least one receiver communicated with an installation for receiving real time data from said installation and, a formatting unit for formatting said real time data into a suitable communication protocol so as to provide universal data;

- providing an additional unit spaced from said installation-local unit and communicated with said installation-local unit for receiving said universal data, and further comprising an additional formatting unit for translating said universal data into a different application protocol so as to provide user-application compatible data;

- transmitting said universal data from said installation-local unit to said additional unit;

translating said universal data into said user-application compatible data at said additional unit; and

providing said user-application compatible data to a user-application, wherein said installation local unit comprises a plurality of installation local units at least two of which generate said real time data in different formats, and wherein said additional unit comprises at least two additional units having user-applications of said real time data which require said real time data in at least two different formats.

Claim 8 (original): The method of claim 7, wherein said installation-local unit and said additional unit are communicated by spread spectrum high speed radio link.

Claim 9 (cancelled)

Claim 10 (previously presented): The method of claim 7, wherein said installation-local unit further comprises a user of additional data from said additional unit, and wherein said additional formatting unit translates said additional data into said compatible communication protocol, and said formatting unit translates said suitable communication protocol suitable format for said user of additional data.

Claim 11 (original): The method of claim 7, wherein said real time data is in a different format from said user-application compatible data.

Claim 12 (original): The method of claim 7, wherein said additional unit is wireless communicated with said installation-local unit.

Claim 13 (previously presented): The system of claim 1, wherein said plurality of installation local units comprises a plurality of installations in an oil field.

Claim 14 (previously presented): The method of claim 7, wherein said plurality of installation local units comprises a plurality of installations in an oil field.

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(ix) - Evidence Appendix - None

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(x) Related Proceeding Appendix - None